

Remarks

Claims 1-5, and 10-19, and 21-27 were pending in this application. Claims 1-5, 14, 15, and 22-25 have been amended. No new matter is introduced by these amendments, and no new issues are raised.

Entry of the amendments after final action is appropriate because the amendments are believed to place the claims in a condition for allowance. After entry of this amendment, **claims 1-5, 10-19, and 21-27 are pending in this application.**

Summary of Examiner Interview

Applicants thank Examiner Jones for granting their representatives (Tanya M. Harding and Gillian L. Bunker) a brief telephone interview on August 27, 2007. The Examiner's interview summary dated August 29, 2007 has been received, and Applicants respectfully submit the following summary of the substance of the interview for the record.

During the interview, claims 1-5, 14, 15, and 22-25 were discussed. In particular, Applicants' representatives stated their belief that there is no difference in scope between claims reciting "peptide AM(11-22)," "the peptide AM(11-22)," "peptide AM(11-22) (SEQ ID NO: 4)," and "the peptide AM(11-22) (SEQ ID NO: 4)," and that therefore the claims are neither ambiguous under 35 U.S.C. § 112 nor obvious under 35 U.S.C. § 103, as is alleged in the Office Action.

Examiner Jones agreed that amending claims 1-5, 15, and 22-25 to recite "the peptide AM(11-22) (SEQ ID NO: 4)," as suggested in the Office Action, would render these claims non-ambiguous under 35 U.S.C. § 112 and non-obvious under 35 U.S.C. § 103.

Complete agreement was not reached as to the proposed amendment of claim 14, however Applicants believe that the proposed language addresses the concerns raised in the Office action. Examiner Jones indicated she would take the matter under further consideration.

Claim Rejections under 35 U.S.C. §112, 2nd paragraph:

Claims 1-5, and 10-19, and 21-27 have been rejected under 35 U.S.C. §112, 2nd paragraph because the claims allegedly are ambiguous because it is unclear whether all of the AM(11-22) sequences are the same. Applicants traverse this rejection.

There is no ambiguity in the claims because it is clear that claims reciting “peptide AM(11-22),” “the peptide AM(11-22),” “peptide AM(11-22) (SEQ ID NO: 4),” and “the peptide AM(11-22) (SEQ ID NO: 4),” all refer to the same peptide sequence. Additionally, the sequence identifier “SEQ ID NO: 4” is included in each of the independent claims.

Nevertheless, solely to expedite allowance of the claims, Applicant has complied with the Examiner’s suggestion to amend claims 1-5, 15, and 22-25 to recite “the peptide AM(11-22) (SEQ ID NO: 4).” Thus, the rejections under 35 U.S.C. §112, 2nd paragraph should be withdrawn.

In addition, as suggested by the Examiner, claim 14 has been amended to recite “the peptide AM(11-22) (SEQ ID NO: 4).” Applicants request that the rejection of claim 14 under 35 U.S.C. § 112, second paragraph be withdrawn.

Claim Rejections under 35 U.S.C. §103:

Claims 1, 2, 5, 10, 13-18, 21-25, and 27 have been rejected under 35 U.S.C. §103 as allegedly being obvious in light of Kitamura *et al.*, in view of Fritzberg *et al.* Applicants traverse this rejection.

Nevertheless, solely to expedite allowance of the claims and as discussed above, Applicant has complied with the Examiner’s suggestion to amend claims 1, 2, 5, 10, 14, 15, and 22-25 to recite “the peptide AM (11-22) SEQ ID NO 4.” Thus, the rejections under 35 U.S.C. §103 should be withdrawn.

Conclusion

It is respectfully submitted that the present claims are in a condition for allowance. If it may further issuance of the claims, the Examiner is requested to contact the undersigned attorney prior to issuance of the next Office action in order to arrange a telephone interview.

Respectfully submitted,

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